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AGENDA REPORT

TO: Sabrina B. Landreth
CITY ADMINISTRATOR

FROM: Sean Whent

SUBJECT: Oakland Police Department African
American Recruitment Efforts – 3rd
Supplemental Report

DATE: July 8, 2015

City Administrator
Approval

Date

7/14/15

COUNCIL DISTRICT: City-Wide

RECOMMENDATION

Staff recommends that the Public Safety Committee:

Accept this 3rd supplemental informational report regarding Oakland Police Department (OPD) African American recruitment efforts from 2010 to present with a focus on providing further analysis of the recruitment, testing and character and background analysis process.

REASON FOR THE SUPPLEMENTAL

Oakland Police Department African American Recruitment Efforts – 2nd Supplemental Report, dated April 7, 2015 provided a detailed analysis of the following:

- OPD's physical, written and oral tests, explanations for deviations from the Commission on Police Officer Standards and Testing (POST) Requirements.
- Analysis of Personal History Statement, Polygraph Usage, and analysis of Whole Person Analysis (WPA) mentioned in a RAND Corporation Study (of the Los Angeles Police Department (LAPD) recruitment process).
- Analysis of Background Investigation and Character Review.
- Common Reasons for Receiving a Don't Qualify (DQ) test result, which precludes applicants from continuing with the application process.
- Greater detail and more thorough analysis of OPD sworn staffing statistics as listed in the February 5, 2015 African American Recruitment Report.
- OPD feedback to applicants not invited to academies.
- Status on OPD and Human Resources Management (HRM) "Recruitment Best Practices Working Group."

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The Public Safety Committee on May 12, 2015 received the 2nd Supplemental Report and asked for additional information regarding the following:

- Does POST Regulation 1951 allow OPD to offer an alternative “written course” in lieu of the written test which POST certification mandates for academy applicants?
- The rationale for OPD to require a passing score of 45 on the written test when POST allows for a minimal score of 42.
- Does POST Regulation 1952 require that the Chief of Police attend all oral interviews?
- A comparison of the Los Angeles Police Department’s use of ‘Whole Person Analysis’ in their Character Review process as compared to OPD’s Character Review process.

ANALYSIS

Does POST Regulation 1951 allow OPD to offer an alternative “written course” in lieu of the written test which POST certification mandates for academy applicants?

POST Regulation 1951, provided as an attachment to the April 7, 2015 report and as Figure 1 below, explains that all applicants to POST-certified officer academies must “be able to read and write at the levels necessary to perform the job of a peace officer.” The POST Entry-Level Law Enforcement Test Battery (PELLETB) written test is designed to ensure that all applicants have this ability.

Figure 1: 1951. Peace Officer Reading and Writing Ability Assessment

(a) Every peace officer candidate shall be able to read and write at the levels necessary to perform the job of a peace officer. Satisfactory completion of this requirement may occur at any time prior to date of employment. Reading and writing ability shall be demonstrated by one of the following:

- (1) Achievement of a score deemed acceptable by the hiring department on the POST Entry-Level Law Enforcement Test Battery or other professionally developed and validated test of reading and writing ability. The test can be administered by either the department or another entity.
- (2) Proof of successful completion of the Regular Basic Course or the Specialized Investigators' Basic Course.
- (3) Proof of possession of a Basic Course Waiver.

(b) A department that uses the POST Entry-Level Law Enforcement Test Battery must have a current Test Use and Security Agreement, herein incorporated by reference, on file with POST.

Source: <https://post.ca.gov/peace-officer-selection-requirements-regulations.aspx#c1951>

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At the May 12, 2015 Public Safety Committee meeting, committee members asked whether Regulation 1951b allowed for OPD to create its own “regular basic course” in lieu of requiring passage on the written test. In response to this inquiry, OPD staff communicated with a number of staff at POST. Staff included Mike Barnes, the POST Commission Coordinator for the Basic Course; Donald Lane, the Regional Manager for Alameda County in the Training Delivery and Compliance Bureau; and Shelley Weiss Spilberg, Ph.D., Standards and Evaluation Manager of the Training Delivery and Compliance Bureau. All three POST experts verified that the term “Regular Basic Course” referred to in POST Regulation 1951b is in fact the academy; POST uses the term “Regular Basic Course” whereas in practice OPD refers to “academies” for its comprehensive police training program. Technically, OPD’s academies are Regular Basic Courses. Both terms consist of the entire training regimen (defensive driving, defensive tactics, officer safety, writing reports, etc.) whereas the OPD’s POST-certified PELLETB written test specifically tests only writing ability.

Regulation 1005 of Section B¹ of the POST Administrative Manual as well as Section D: Training Procedures Commission Procedure² of the POST Administrative Manual provide explicit details of Basic Course requirements, including but not limited to: field training, testing, hourly requirements, arrest and firearms training requirements, physical training and task-simulation activities.

The “Specialized Investigators' Basic Course” referred to in Regulation 1951b is an advanced course offered only for law enforcement officers. Furthermore the “Proof of possession of a Basic Course Waiver,” as referred to in Regulation 1951 (c) only pertains to applicants who have in fact passed the regular basic course (academy) elsewhere or who have already been employed as law enforcement officers. Therefore, all applicants to an OPD basic academy who have not already passed all components of the basic regular course or been employed as verifiable law enforcement officers must pass OPD’s version of the PELLETB written test to be considered for invitation to OPD’s basic police academies.

The rationale for OPD to require a passing score of 45 on the written test when POST allows for a minimal score of 42.

The April 7, 2015 report explained that POST does not require all agencies to use the same passing score. Agencies such as OPD are allowed to determine a passing score that best fits hiring needs and standards. Statistical calculations are performed to convert raw test scores (the number of items answered correctly) into t-scores, which are standardized scores. Standardized scores are then reviewed by the distribution (bell-shape curve) which has a mid-point (average) of 50 and a standard deviation of 10. When an applicant’s score falls around 50, their performance is considered “average” when compared to other applicants who have taken the test. A score of

¹ <https://www.post.ca.gov/regulation-1005-minimum-standards-for-training.aspx>

² <https://www.post.ca.gov/commission-procedure-d-1-basic-training.aspx#d13>

40 is considered below average while a score of 60 is considered above average. POST personnel have indicated that a t-score of 42 is considered to be “minimally qualifying” and that the likelihood of successful academy completion increases for every point above 42 an applicant scores. OPD started to use a t-score of 45 consistently as of August 2006; prior to this time, OPD used a passing score of 46. OPD currently requires a passing score of 45 on the PELLETB written test so that applicants are somewhat above minimally qualified and thus more prepared to succeed in the academy, field training and as a police officer.

As the April 7, 2015 report explains, the written test assesses general aptitude in regard to reading, writing, and cognitive ability and there are no simple ways to quickly prepare to pass the exam. For this reason, as outlined in the March 16, 2015 1st Supplemental Report, OPD offers a variety of support services including tutoring and written exam preparation support, as part of the Merritt College Criminal Justice Program.

Does POST Regulation 1952 require that the Chief of Police attend all oral interviews?

POST Regulation 1952 attached to the April 7, 2015 report and included below as Figure 2 explains that oral interviews are required by POST to further ensure that departments such as OPD are able to select the most qualified candidates for invitation to the regular basic course. The Public Safety Committee on May 12, 2015 questioned whether section (b) below requires that the Chief of Police sit on oral interview panels. The Office of the City Attorney believes that the most reasonable statutory construction of the provision would be that the employing agency has several options for conducting oral interviews - either by “AND/OR” by having the oral panel do it. Furthermore, OPD recruitment staff researched the parallel processes at other large California police departments. Police Officer Hiring Process – Six California Jurisdictions is provided as **Attachment A** and shows that the Chief of Police (or Sheriff) does not participate in oral interviews in any of these agencies. In Oakland, it would be extremely ineffective to require that the Chief of Police or other top command participates in the hundreds of oral interviews that take place each year as OPD is now heavily invested in recruiting new officers. However, OPD appears to be one of the few agencies that require community members to participate in oral interviews in addition to sworn OPD personnel. Aside from the statutory reading of Regulation 1952, as explained in the April 7, 2015 report, OPD’s Chief, Assistant Chief and Deputy Chiefs are actively involved in the character review process where the final round of candidates are being reviewed for admittance to OPD academies.

Figure 2: POST Regulation 1952. Peace Officer Oral Interview

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| <p>(a) Every peace officer candidate shall participate in an oral interview to determine suitability to perform the duties of a peace officer. The interview shall take place prior to making a conditional offer of employment.</p> <p>(b) The interview shall be conducted by the department head, one or more representatives of the department, the appointing authority or designee, and/or an oral panel consisting of at least one</p> |
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department employee.

(c) The POST Interviewing Peace Officer Candidates: Hiring Interview Guidelines provides assistance in conducting the oral interview. The use of the manual is discretionary; except that oral interviews shall address, at a minimum, the six POST Interview Factors herein incorporated by reference described in the manual: Experience, Problem Solving Ability, Communication Skills, Interest/Motivation, Interpersonal Skills, and Community Involvement/Awareness.

Source: <https://post.ca.gov/peace-officer-selection-requirements-regulations.aspx#c1951>

A comparison of LAPD’s use of ‘Whole Person Analysis’ in their Character Review process as compared to OPD’s Character Review process

The February 5, 2015 African American Recruitment Report explained that one of recommendations of the RAND Corporation Study “To Protect and Serve” (of the Los Angeles Police Department recruitment process) was to use a “Whole-Person Analysis (WPA) to evaluate applicants.” As explained in the April 7, 2015 2nd Supplemental Report, OPD spoke with Nelson Lim, lead author of the RAND Corporation study. Mr. Lim clarified that with WPA, recruitment and background staff consider the entire context of each applicant’s profile. The Public Safety Committee on May 12, 2015 asked for more information comparing LAPD’s and OPD’s approach to the character review process in terms of such a whole person framework. After speaking with Human Resources staff from the City of Los Angeles, OPD is confident that OPD’s character review process mirrors LAPD’s approach. Both LAPD and OPD look at whether a candidate's strengths outweigh their weaknesses.

As explained in the April 7, 2015 report, police academy applicants bring their completed personal history statements (PHS) when they attend their oral tests. Requiring a PHS is a POST requirement and OPD’s PHS process mirrors POST guidelines. The PHS questionnaire consists of questions the applicants must answer, designed to assess the same personal character qualities the Background Review inspects.

Important considerations in for both LAPD and OPD include whether the candidate is honest and discloses the truth in their PHS (employment history, criminal history, and residency history). Both processes look to see if negative behaviors are identified, such as having conflicts with an employer or personal relationship. In such cases LAPD and OPD look to see if the evidence of negative behaviors are aberrations or consistent with other patterns in the candidate's overall background. For example, both LAPD and OPD consider instances of domestic abuse to be causes for disqualification, as such behavior would show that that candidate is not suited to serve as a peace officer. However, limited examples of credit problems, employment problems or some interpersonal conflicts will be viewed in the context of the “whole person.” Police agencies like LAPD or OPD determine whether behaviors are indicative of future risk and irresponsibility, or whether the candidate’s profile shows that he/she has also documented behaviors that point to integrity and honesty, and that the more negative behaviors are not indicative of the applicant’s

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current personality. Ultimately, OPD, LAPD and many police departments in California and nationally use the same approach to reviewing police applications and the “whole person” is evaluated so that OPD can find candidates prepared to successfully serve as OPD officers.

SUMMARY

OPD’s efforts to recruit local individuals as well as African Americans and other people of color for the position of police officer are ongoing. OPD will continue to look for the best strategies to grow the department to reflect the public it serves. As explained in the first supplemental report dated March 16, 2015, OPD will continue to look for the best strategies to ensure that sworn officers mirror the public they serve. OPD must uphold the highest standards for new officer trainees as OPD officers are sworn to protect public safety – part of these standards is to comply with the POST certification regulations.

As OPD continues to recruit new officers, the department welcomes discussion and feedback from the Public Safety Committee on which strategies may be most effective. As outlined in the 2nd Supplemental dated April 7, 2015 as well as in this report, OPD will continue to follow POST standards which ensure that OPD invites candidates to police academies with strong qualifications and integrity, qualities that relate to success as a police officer.

PUBLIC OUTREACH/INTEREST

This report contains information of public interest as it directly relates to public safety within the City of Oakland.

COORDINATION

The Office of the City Attorney as well as the Department of Human Resources and Management were consulted in preparation of this report.

COST SUMMARY/IMPLICATIONS

There are no costs associated with this report. There may be costs associated with implementing or expanding the outreach strategies provided in the 1st and 2nd supplemental reports pending recommendations from the Public Safety Committee.

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SUSTAINABLE OPPORTUNITIES

Economic: There are no economic opportunities identified in this report.

Environmental: No environmental opportunities have been identified.

Social Equity: This report provides valuable information to the Oakland community regarding inclusion of under-represented groups in the Oakland Police Department.

For questions regarding this report, please contact Bruce Stoffmacher, Management Assistant, OPD Research and Planning, at (510) 238-6976.

Respectfully submitted,



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Attachment A: Police Officer Hiring Process: Six California Jurisdictions

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Police Officer Recruitment Process: Six California Jurisdictions

Attachment A

PROCESS COMPARISON	<i>Oakland Police Department</i>	<i>Los Angeles Police Department</i>	<i>San Jose Police Department</i>	<i>Alameda County Sheriff's Office</i>	<i>Sacramento Police Department</i>	<i>San Diego Police Department</i>
STEP 1	On-Line Application	Preliminary Background Application Job Preview Questionnaire "Whole Person Analysis"	On-Line Application	On-Line Application Supplemental Questionnaire To Verify Minimum Requirements	On-Line Application	On-Line Application
STEP 2	Physical Agility Test	Personal Qualification Essay "Whole Person Analysis"	Written And (T-Score 45 Or Above) Physical Agility Test (W.S.T.B.* 320 or Higher) 1.5 Mile Run in 14 Minutes or Less	Written Test T-Score 45 Or Above	Written Exam T-Score 45 Or Above	Written Test
STEP 3	Written Test	Background And Polygraph "Whole Person Analysis"	Personal History Questionnaire (On- Line)	Physical Agility Test	Pre-Screen Questionnaire Re.: General Background	Physical Agility Test Pre-Invest Questionnaire
STEP 4	Oral Interview w/ Sgt., Civilian Employee And Volunteer Community Member	Physical Agility Test (2 Parts)	Oral Interview W/Sgt., City Employee And Volunteer Community Member	Oral Interview W/ Two Sworn Members (Deputy And A Sgt.)	Initial Oral Interview With Two Sworn Members (I.E.-Two Police Officers, Two Sergeants Or One Of Each)	Background Investigation
STEP 5	Background Investigation	Department Interview W/ Sgt. And Civilian "Whole Person Analysis"	Background Inquiry Process	Back-ground Investigation	Personal History Questionnaire Completed Then Questionnaire Session	Polygraph Exam.

*W.S.T.B. (Work Sample Test Battery)

PROCESS COMPAR-ISON	<i>Oakland Police Department</i>	<i>Los Angeles Police Department</i>	<i>San Jose Police Department</i>	<i>Alameda County Sheriff's Office</i>	<i>Sacramento Police Department</i>	<i>San Diego Police Department</i>
STEP 6	Medical, Department of Justice Clearance Check, Psych	Medical Evaluation Psychological Evaluation	Conditional Job Offer	Hiring Authority Interview W/ Sheriff	Complete Mock Police Report & Essay	Appointing Authority Interview With One Lt. And Two Sergeants
STEP 7	Character Review	Certification And Appointment	Academy	Psych. Exam Medical Exam	Polygraph During Background Investigation/ Background Interview With Sgt.	Psych. Evaluation
STEP 8	Final Job Offer	Academy		Conditional Job Offer	Physical Agility Test (W.S.T.B.) w/ Score of 384 or Above	Medical Exam
STEP 9	Orientation			Academy	Background Investigation Reviewed By Captain	Conditional Job Offer
STEP 10	Academy	No Interview W/ Command or Chief	No Interview W/ Command or Chief		Background Investigation Reviewed By Captain	Academy
STEP 11					Hiring Authority Interview w/ Deputy Chief	
STEP 12					Conditional Job Offer	
STEP 13					Medical Exam/ Psych Exam	
STEP 14					Academy	